REMARKS

I. Status of the Claims

Claims 1-54 were originally filed. Claims 55-67 were subsequently added. Claims 16-54 have been canceled. The Examiner has indicated that claim 67 is withdrawn from consideration and that claims 64-66 are allowable. Upon entry of the present amendment, claims 6 and 63 are amended to recite specific hybridization conditions, which finds support in the specification, *e.g.*, on page 13, line 34, to page 14, line 2. Claim 67 is canceled.

Since this amendment adds no new matter and requires no additional search, its entry is respectfully requested.

II. Specification

The specification has been amended to provide updated priority information and to delete embedded browser-executable code(s), which introduces no new matter.

III. Claim Rejections

A. 35 U.S.C. §112, Second Paragraph

Claim 6 and its dependent claims, as well as claim 63, were rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness for the term "stringent hybridization conditions." The present amendment explicitly recites the specific conditions for hybridization. Applicants submit that this rejection is overcome.

Claims 7-15, 55, and 61 were rejected for alleged indefiniteness due to their dependency from other rejected claims. As discussed above, all relevant claims have been amended to overcome the indefiniteness rejections, the rejection of claims 7-15, 55, and 61 is thus also addressed.

Applicants respectfully request that the indefiniteness rejections of the above-named claims be withdrawn.

B. Double Patenting

Claims 1-4, 6, and 62 remained rejected under judicially created doctrine of obviousness-type of double patenting as being allegedly unpatentable over claim 1 of U.S. Patent No. 6,544,522. Since a terminal disclaimer has been filed concurrently with this communication, this rejection is overcome.

The Examiner also maintained the provisional rejections under the judicially created doctrine of obviousness-type of double patenting: claims 1-5 were provisionally rejected as being allegedly unpatentable over claims 1-5 of copending Application No. 09/886,349; and claims 1-4, 6, and 62 were provisionally rejected as being allegedly unpatentable over claims 1-4 and 6 of copending Application No. 09/886,349.

Applicants submit that the Examiner should withdraw the provisional double patenting rejections and allow the claims pending in the present application. According to the MPEP §822.01, "[i]f the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent..." This is precisely the case in the present application, since the only other rejections, the indefiniteness rejections and the double patenting rejection based on U.S. Patent No. 6,544,522, have been addressed as indicated above. On the other hand, the relevant claims in USSN 09/886,439 have not been allowed. Thus, Applicants respectfully request that the Examiner withdraw the provisional double patenting rejection and allow the pending claims in the present application to issue.

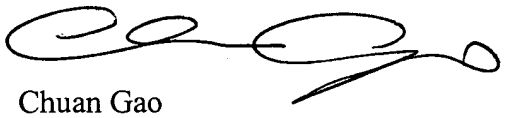
If, however, a patent issues from USSN 09/886,439 prior to the allowance of the present application, Applicants will consider the possibility of filing a terminal disclaimer.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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